

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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JAN 21 2021

SC Court of Appeals

Appellate Case No. : 20-001534

Kevin E. Herrriott, Appellant,

v.

SCDC, Respondent.

MOTION FOR LEAVE TO  
PROCEED PRO SE  
IN FORMA PAUPERIS

The Appellant Kevin E. Herrriott in PRO SE, in necessity moves before this Honorable Court asking for Order granting leave to proceed in forma pauperis.

The Appellant Herrriott proceeded in forma pauperis, acting without counsel during all administrative law court (ALC) proceedings and his pauper has not been revoked. The Appellant's inability to pay the fee required to file the action ask this Court to grant a pauper and proceed without further application and file the complaint in the Court without payment of filing fees.

Done This 12<sup>th</sup> Day, of January, 2021.

Respectfully Submitted,

151 Kevin E. Herrriott

Kevin E. Herrriott #313862  
Pro Se.

LEGAL MAIL ROOM

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

I, Kevin E. Herrick, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Not Applicable</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ 0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ 0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ 0</u>

3. List your spouse's employment history for the past two years, most recent employer first (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Not Applicable</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ N/A</u>

4. How much cash do you and your spouse have? \$ 0  
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>Not Applicable</u>	<u>\$ 0</u>	<u>\$ 0</u>
<u>N/A</u>	<u>\$ 0</u>	<u>\$ 0</u>
<u>N/A</u>	<u>\$ 0</u>	<u>\$ 0</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home  
 Value 0

Other real estate  
 Value 1/6 here, unknown

Motor Vehicle #1  
 Year, make & model N/A  
 Value 0

Motor Vehicle #2  
 Year, make & model N/A  
 Value 0

Other assets  
 Description N/A  
 Value 0

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>Not Applicable</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>Not Applicable</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amount paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>0</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: <u>N/A</u>	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <u>N/A</u>	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <u>N/A</u>	\$ 0	\$ 0
<b>Total monthly expenses:</b>	<b>\$ 0</b>	<b>\$ 0</b>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes    No   If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?    Yes    No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

*Not Applicable*

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes    No

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

*Not Applicable*

12. Provide any other information that will help explain why you cannot pay the costs of this case.

*I am currently indigent and have been over two years.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 11, 2020

*L. E. Rowlett*  
(Signature)

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STATE OF SOUTH CAROLINA JAN 21 2021  
IN THE COURT OF APPEALS SC Court of Appeals

Appellate Case No.: 2020-001534

Kevin E. Herrdott, Appellant

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,  
Respondent.

PROOF OF SERVICE

The Appellant Kevin E. Herrdott declare (verify, certify, or state) under penalty of perjury the foregoing is true and correct that I have served proof of service on all parties, TO WIT: The Clerk of this Court, Imani Byas, staff attorney, Office of General Counsel, 4444 Broad River Road, Columbia South Carolina 29221-1787, Christina C. Bigelow, 4444 Broad River Road, Columbia South Carolina 29221, and Honorable Ralph K. Anderson, III, (ALC), 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201.

This service has been made via United States mail, properly addressed, postage pre-paid affixed thereto, and placed in the internal mailing system of McCormick Correctional Institution, as made available to inmates for legal mail.

Done This 12 Day of January, 2021,  
Respectfully Submitted,

LEGAL MAIL  
MAIL ROOM



Kevin E Herriott 313862

F5-A Side **54**

McCormick Correctional Institution

386 Redemption Way

McCormick, SC 29899

*Pro Se.*

Kevin E. Herrlott  
SCDC# 313862  
McCormick Correctional Institution  
386 Redemption Way  
McCormick, SC 29899

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JAN 21 2021

SC Court of Appeals

January 12, 2021

To: Clerk's Office  
S.C. Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Herrlott v. SCDC  
Appellate Case No. ~~2020~~-001534  
Amended Notice of Appeal

Dear Clerk:

The above named Appellant in the aforementioned reference hereby inform the Court that any other order that has been decided and determined from the Court of S.C. Administrative Law Court, did not notify the Appellant done in this Case. PLEASE FIND ENCLOSED one motion for leave to proceed PRO SE in forma pauperis, affidavit in support of motion to proceed in ProSe in the form of a(n) pauper, amended notice of appeal and proof of service on all persons interest in the outcome of this case action. ALSO, please provide a copy stamped-clock for my records.

Yours Truly,  
1 of 2.

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*K. E. Herriott*

Kevin E Herriott 313862

F5A **54**

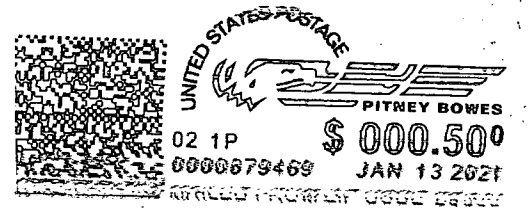
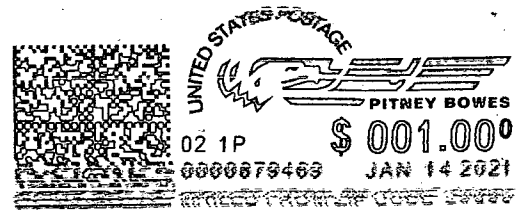
McCormick Correctional Institution

386 Redepmtion Highway

McCormick, SC 29889

*Pro Se.*

Kevin E. Herrloff, #313862  
FSA#54  
McCormick Corr, Inst.  
386 Redemption Way  
McCormick, SC 29899



**RECEIVED**

JAN 21 2021  
SC Court of Appeals

Clerk V. Claire Allen  
Deputy Clerk  
Court of the Clerk's Office  
S.C. Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

JAN 13 2021  
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